

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

UNITED STATES OF AMERICA

VS.

EARLENE V. HAWLEY

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2006 MAY 15 A 8:48

DEBRA P. HACKETT, CLK
CR. No. 2:06-cr-00048
MIDDLE DISTRICT ALA

DEFENDANT'S MOTION TO CONTINUE


COMES NOW the defendant, by and through her undersigned attorney, and moves this Honorable Court to continue the case herein scheduled for May 16, 2006, and as grounds therefor shows as follows:

1. That inasmuch as the defendant herein is a 75 year old woman with no criminal convictions and the case involved theft of \$8.00 worth of merchandise at the Maxwell AFB base exchange, the undersigned counsel applied Mrs. Hawley for the U.S. Attorney's Pretrial Diversion on or about April 5, 2006.

2. That the U.S. Attorney's Office is considering said application at this time; however, they have not received a response from U.S. Probation concerning the background check the U.S. Attorney requested.

3. The U.S. Attorney, therefore, does not oppose the granting of this requested continuance.

WHEREFORE, the defendant respectfully moves this Honorable Court to grant the continuance requested above.


BARRY E. TEAGUE, [TEA003]
ATTORNEY FOR DEFENDANT

ADDRESS OF COUNSEL:

Barry Teague, Esq.
138 Adams Avenue
Post Office Box 586
Montgomery, AL 36101
(334) 834-4500; FAX 834-4501

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon the United States Attorney and any other counsel of record by placing same in the U.S. Mail, postage prepaid and addressed as shown below, on May 15, 2006.

Hon. Kent B. Brunson
Assistant U.S. Attorney
Post Office Box 197
Montgomery, AL 36101


BARRY E. TEAGUE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

VS.

EARLENE V. HAWLEY

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CR No. 2:06-CR-48-VP

State of Alabama)

County of Montgomery)

A F F I D A V I T

BEFORE ME, the undersigned authority, a Notary Public, in and for said county and State, appeared the affiant, who, being first placed under oath and being known to me, stated the following:

I am Earlene V. Hawley, the defendant in the above styled case. After consulting with my attorney, Barry Teague, Esquire, I am of the opinion that my case should be continued to afford the U.S. Attorney sufficient time to make full consideration of my application for admittance into the U.S. Attorney's Pretrial Diversion program.

I am also aware that I am entitled to a speedy trial pursuant to the Sixth Amendment to the United States Constitution and 18 U.S.C. §§ 3161, et seq. I hereby waive my rights as so provided, and state that the ends of justice will best be served by my case being continued and the interest of the public in a speedy trial is outweighed by my need for a continuance. I fully understand that if my continuance is granted, that any period of delay so caused is excludable for purposes of 18 U.S.C. §§ 3161, et seq.

Earlene V. Hawley
Earlene V. Hawley, Affiant

SWORN TO and SUBSCRIBED before me this the 15th day of May, 2006.


NOTARY PUBLIC
My Commission Expires: 6-17-07